

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LUTHER D. GONZALES-HALL,

Plaintiff,

v.

Case No. 20-12912

CITY OF DEARBORN, *et al.*,

Honorable Nancy G. Edmunds

Defendants.

_____ /

ORDER STAYING CASE

This civil rights lawsuit filed pursuant to 42 U.S.C. § 1983 arises out of an encounter between Plaintiff Luther D. Gonzales-Hall and a number of Dearborn police officers. In two previously issued opinions and orders, the Court granted in part a motion for summary judgment, dismissing a number of the defendants in this case. (ECF Nos. 47, 53.) But Plaintiff's unlawful arrest and excessive force claims against Defendant Marvin Sanders remain. (ECF No. 53.) Defendant Sanders recently filed a notice of appeal to the Sixth Circuit Court of Appeals. (ECF No. 54.)

While the denial of summary judgment is generally not a final, appealable order under 28 U.S.C. § 1291, “a district court’s denial of a claim of qualified immunity, to the extent that it turns on an issue of law,’ falls within a limited category of immediately appealable collateral orders.” *Estate of Barnwell v. Grigsby*, 681 F. App’x 435, 439 (6th Cir. 2017) (quoting *Mitchell v. Forsyth*, 472 U.S. 511, 530 (1985)). Courts often stay the district court proceedings pending interlocutory appeals of the qualified immunity issue. *See, e.g., Essex v. County of Livingston*, 518 F. App’x 351, 354 (6th Cir. 2013); *Richko v. Wayne County Sheriff’s Dep’t*, No. 12-CV-11232, 2015 U.S. Dist. LEXIS 57922, at *2

(E.D. Mich. May 4, 2015). Thus, IT IS HEREBY ORDERED that this action is STAYED pending resolution of the interlocutory appeal. The stay will be lifted once the appeal is resolved.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: November 29, 2023

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 29, 2023, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager